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**IN THE UNITED STATES DISTRICT COURT
 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

15 VECTREN COMMUNICATIONS
 SERVICES, an Indiana corporation,

No. C 08-03137 SI

16 Plaintiff,

**STIPULATION AND ORDER TO
 CONTINUE HEARING ON
 MOTION FOR SUMMARY JUDGMENT
 AND CORRESPONDING BRIEFING
 SCHEDULE**

17 vs.

18 CITY OF ALAMEDA,

Honorable Susan Illston

19 Defendant.

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1 WHEREAS,

2 A. Defendant City of Alameda (City) anticipates bringing a motion for summary
 3 judgment on the grounds that the claims of plaintiff Vectren Communications Services, Inc.
 4 (Vectren) are barred by the statute of limitations. Under its Pretrial Preparation Order of October 8,
 5 2008, the Court reserved February 13, 2009, for the hearing on the City's anticipated summary
 6 judgment motion; as a result, the current deadline for filing the motion is January 9, 2009.

7 B. In preparation for the motion, the City has propounded a request for production of
 8 documents on Vectren, as well as a corporate designee deposition, presently scheduled for
 9 December 9 and 10, 2008. Vectren has propounded its own requests for production of documents
 10 and plans on taking additional discovery.

11 C. Vectren has advised the City that it will be unable to complete its production of
 12 documents by December 9, when its corporate deposition is scheduled to begin. The City also may
 13 not be able to complete its production of documents within the same time frame. Both the City and
 14 Vectren wish to complete their document productions before the deposition commences.

15 D. To allow discovery and depositions to be completed before the deadline for filing the
 16 City's anticipated summary judgment motion, it is necessary to adjust the date reserved for hearing
 17 of the motion. A continuance of the hearing and corresponding adjustment of the briefing schedule
 18 will promote the parties' mutual goal of avoiding duplicative discovery procedures and unnecessary
 19 intervention by the Court.

20 ACCORDINGLY, the City and Vectren hereby agree as follows:

21 1. The deposition of Vectren under FRCP Rule 30(b)(6), currently scheduled to
 22 commence on December 9 and 10, 2008, shall be continued to commence on **February 4 and 5,**
 23 **2009.** The City shall maintain its priority in the scheduling of this deposition over any depositions
 24 that may be noticed by Vectren.

25 2. The hearing of the City's anticipated motion for summary judgment shall be
 26 continued from February 13, 2009, to **April 17, 2009, at 9:00 a.m.**, or to the soonest date and time
 27 thereafter that is available on the Court's calendar.

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1 3. The briefing schedule for the City's motion shall be as provided for in Northern
2 District Local Rules 7-2 and 7-3, with moving papers filed not less than 35 days prior to the hearing
3 date, and opposition and reply papers filed not less than 21 and 14 days prior to the hearing date,
4 respectively.

DATED: December 2, 2008 WULFSBERG REESE COLVIG & FIRSTMAN
PROFESSIONAL CORPORATION

By /s/ Gregory R. Aker
Gregory R. Aker

Attorneys for Defendant
CITY OF ALAMEDA

DATED: December 2, 2008 BARTO ZANKEL
12 PROFESSIONAL CORPORATION

By /s/ Robert H. Bunzel
Robert H. Bunzel

Atorneys for Plaintiff
VECTREN COMMUNICATIONS SERVICES, INC.

ORDER

19 | Good cause appearing, IT IS HEREBY ORDERED:

23 2. The briefing schedule for the City's motion shall be as provided by Local Rules 7-2
24 and 7-3, with moving papers filed not less than 35 days prior to the hearing date, and opposition and
25 reply papers filed not less than 21 and 14 days prior to the hearing date, respectively.

26 | DATED: December , 2008

Susan Ilston
The Honorable Susan Ilston
U.S. District Judge